

REMARKS

The present Preliminary amendment corrects several formal errors in the specification, and it is respectfully submitted that the application is in condition for allowance.

Claims 1-8 correspond in scope to the allowed Claims 96-101, 142 and 143 and are clearly allowable.

Claim 9 corresponds to Claim 102. In the Advisory Actin, the Examiner pointed out that Claim 102 does not recite the micro-diaphragm pump and the open jet proportioner are connected in series and, therefore, does not commensurate in scope with arguments in support of its patentability. It is noted that Claim 9 does not recite that the open jet proportioner is connected in series with the micro-diaphragm pump. It is respectfully submitted that Claim 9 and Claims 10-28 dependent on Claim 9, direct or indirectly, are also allowed.

Claim 29 corresponds in scope to Claim 114 which the Examiner pointed out was indefinite as were Claims 139-140 and 141 for not making clear what is being combined to form one constructional component.

It is respectfully submitted that Claim 29 clearly sets forth the following combinations:

- (i) reservoir micro-diaphragm pump;
- (ii) reservoir-open-jet proportioner; and
- (iii) reservoir-micro-diaphragm pump open jet proportioner.

It is respectfully submitted that Claims 29-30 are allowable.

Claim 31, which corresponds to Claim 139 and Claim 41, which correspond to Claim 140, are also submitted to be allowable, setting forth the same combination as Claim 29.

Claims 32-37 depend on Claim 31 and are likewise allowable.

Claims 38 and 42, which correspond in scope to Claims 125 and 141, are also submitted to be allowable. Specifically, both Claims 38 and 42 recite:

- a proportioning control means operatively communicating with the micro-diaphragm pump for controlling displacement of an auxiliary liquid column from the reservoir for effecting one of suction of the liquid through the proportioning port and expulsion of liquid from the proportioning port by controlling an operation of the micro-diaphragm pump in one of first direction in which the micro-diaphragm pump pumps the liquid from the reservoir, and second opposite direction in which the liquid is sucked into the reservoir, at least partially;

It is respectfully submitted that Lintel does not disclose proportioning control means for controlling displacement of an auxiliary liquid column by controlling an operation of a micro-diaphragm pump in opposite directions. Lintel discloses neither proportioning control means capable of a controlling displacement of the auxiliary liquid column so that it functions like a pipette piston, nor does Lintel disclose the function of an auxiliary liquid column.

In view of the above, it is respectfully submitted that Lintel does not anticipate or makes obvious the present as defined in Claims 38 and 42, and Claims 38 and 42, together with Claims 39-40 depend on Claim 38 are patentable over Lintel.

CONCLUSION

In view of the foregoing, it is respectfully submitted that the application is in condition for allowance, and allowance of the application is respectfully requested.

Should the Examiner require or consider it advisable that the specification, claims and/or drawing be further amended or corrected in formal respects, in order to place in case in condition for final allowance, then it is respectfully requested that such amendment or correction be carried out by Examiner's amendment and the case passed issue. Alternatively, should the Examiner feel that a personal

discussion might be helpful in advancing this case to allowance, the Examiner is invited to telephone the undersigned.

Respectfully submitted,

Alexander Zinchuk

Alexander Zinchuk
Reg. No. 30,541

Date: March 1, 2004

Sidley Austin Brown & Wood LLP
787 Seventh Avenue
New York, NY 10019
Tel: (212) 839-7365